

**REMARKS**

Amendments have been made to the specification. Claims 1 - 10 and 12 - 20 have been amended. Claims 11 and 21 have been cancelled from the application without prejudice. Claims 22 - 23 have been added. No new matter has been introduced with these amendments or added claims, all of which are supported in the specification as originally filed. Claims 1 - 10, 12 - 20, and 22 - 23 are now in the application.

**I. Objections to the Claims**

Paragraph 2 of the Office Action dated May 20, 2005 (hereinafter, "the Office Action") notes that Claim numbers 7 and 9 have been duplicated, and that Claims 7 - 19, with these duplicated numbers, have been renumbered as Claims 7 - 21. The renumbering suggested by the Examiner has been used herein.

Paragraph 3 of the Office Action states that Claims 7 and 10 are objected to under 37 CFR 1.75 as being a substantial duplicate of Claims 8 and 11, respectively. Claim 11 (as renumbered), which was a duplicate of Claim 10, has been cancelled from the application without prejudice. Applicant fails to see the duplication among Claims 7 and 8: Claim 7 is a dependent method claim that refers to omitting steps, whereas Claim 8 is an independent system claim.

Paragraph 4 of the Office Action states that Claims 1 - 20 are objected to because of various informalities. Paragraph 4(a) discusses confusion in the terminology of "an RFID tag".

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In the amendments made herein, the term "an item-identifying RFID tag" has been used to refer to the RFID tags affixed to items, and the term "a loyalty card RFID tag" has been used to refer to the RFID tag affixed to a customer loyalty card. Paragraph 4(b) questions antecedent basis in Claim 3, line 3, and this issue has been resolved with the amendments made herein.

Paragraph 4(c) discusses use of "customer" and "shopper" in the claims. The term "customer" is used when referring to "customer loyalty cards" and their information. Such cards are not commonly referred to as "shopper loyalty cards", and hence Applicant prefers to use the commonly-accepted "customer loyalty card" terminology. The term "shopper" is used in the claims when referring to a person who possesses items. The shopper may or may not be a customer, depending on whether the items are eventually purchased. Applicant therefore prefers not to use the term "customer" to refer to this person.

Paragraphs 4(d) and 4(e) refer to antecedent basis issues in Claim 7 (first occurrence), line 3. These issues have been resolved with the amendments made herein.

In summary, Applicant respectfully submits that all objections have been addressed in a suitable manner, and the Examiner is respectfully requested to withdraw the objections to the claims.

II. Rejection under 35 U.S.C. §112, second paragraph

Paragraph 7 of the Office Action states that Claims 3 - 4, 10 - 12, and 17 - 18 are rejected

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under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. Limitations have been added to these claims to specify “subsequently searching ...” and “searching ...”, as appropriate, and the Examiner is therefore respectfully requested to withdraw the §112 rejection.

III. Rejection under 35 U.S.C. §102

Paragraph 9 of the Office Action states that Claims 1 - 2, 8 - 9, 15 - 16, and 21 are rejected under 35 U.S.C. §102(b) as being anticipated by U. S. Patent 6,415,982 to Bridgelall et al. Claim 21 has been cancelled from the application. This rejection is respectfully traversed with regard to remaining Claims 1 - 2, 8 - 9, and 15 - 16.

Independent Claims 1, 8, and 15 specify limitations not found in Bridgelall. Bridgelall fails to teach, for example, “storing the customer identifier in an item-identifying RFID tag affixed to each of at least one items” (emphasis added). Bridgelall refers to an RFID tag 88 affixed to a shopping tote 86, where this tag identifies the shopper/customer (col. 6, lines 21 - 22) but not the items in the tote: instead, the items 85 are identified using a bar-code symbol 14. Note further that Bridgelall’s customer is not purchasing the shopping tote 86, but instead is using that tote to carry the items 85. That is, Bridgelall does not teach use of an item-identifying RFID tag. (Bridgelall teaches that the RFID tag might alternatively be placed on a shipping container, and could then identify the shipping destination/routing/etc. See col. 6, lines 22 - 24.)

Furthermore, Bridgelall cannot fairly be interpreted as teaching that the customer

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identifier is stored into the RFID tag of the shopping tote (or into the item-identifying RFID tags affixed to any items) during a purchase transaction. In fact, Bridgelall has no discussion of RFID writing (i.e., storing) capabilities, except to note (in the background) that RF tags “can be electronically written and rewritten” (col. 4, lines 21 - 22). All other discussions of RF capability in Bridgelall are in terms of RFID reading; in fact, col. 7, lines 7 - 8 explicitly state “The term ‘RF ID’ refers to reading an RF ID tag” (emphasis added). Having a shopping tote with a shopper/customer identifier preconfigured in its RFID tag (as in Bridgelall) is distinct from Applicant’s claim language which specifies storing the customer identifier in RFID tags of items that are presented for purchase in the current transaction (see Claim 1, lines 4 - 5).

In addition, independent Claims 1, 8, and 15 have been amended to clarify that the customer identifier is stored “such that the item-identifying RFID tags ... can subsequently be searched to determine whether the at least one items were presented for purchase in the current transaction” (see Claim 1, lines 5 - 8). Bridgelall has no teaching, nor any suggestion, of such limitation.

Thus, independent Claims 1, 8, and 15 are deemed patentable over Bridgelall. Dependent Claims 2, 9, and 16 are therefore deemed patentable over Bridgelall by virtue of (at least) the allowability of the independent claims from which they depend. The Examiner is therefore respectfully requested to withdraw the §102 rejection.

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#### IV. Rejection Under 35 U.S.C. §103(a)

Paragraph 11 of the Office Action states that Claims 3 - 7, 10 - 14, and 17 - 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bridgelall in view of U. S. Patent 6,554,187 to Otto. Claim 11 has been cancelled from the application. This rejection is respectfully traversed with regard to remaining Claims 3 - 7, 10, 12 - 14, and 17 - 20.

With regard to Applicant's dependent Claims 3, 10, and 17, Applicant finds no teaching in Bridgelall or Otto of "reading a customer identifier from a customer loyalty card" (emphasis added) and then "storing the customer identifier [from the customer loyalty card] in an item-identifying RFID tag affixed to ... items presented for purchase in a current transaction ..." (as in Applicant's independent Claims 1, 8, and 15), nor of "subsequently searching ... the item-identifying RFID tag affixed to [each] item [possessed by the shopper] to determine whether the customer identifier was previously stored therein" and if not, "... concluding that the item ... was not paid for in the current transaction" (as in Applicant's dependent Claims 3, 10, and 17). Accordingly, Applicant's dependent Claims 3, 10, and 17 are deemed patentable over these references.

With regard to independent Claims 4, 12, and 18, neither Bridgelall nor Otto teaches "reading, from a customer loyalty card possessed by a shopper, a customer identifier" (Claim 4, line 3, emphasis added), nor "searching ... an item-identifying RFID tag affixed to [each item possessed by the shopper] to determine whether the customer identifier from the customer loyalty card was previously stored therein during a particular purchase transaction" (Claim 4, lines 4 - 6,

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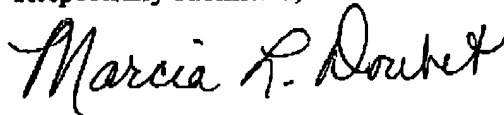
emphasis added). Thus, independent Claims 4, 12, and 18 are deemed patentable over the references. Dependent Claims 5 - 7, 13 - 14, and 19 - 20 are therefore deemed patentable over the references by virtue of (at least) the allowability of independent Claims 4, 12, and 18.

Applicant therefore respectfully requests that the Examiner withdraw the §103 rejection.

V. Conclusion

Applicant respectfully requests reconsideration of the pending rejected claims, withdrawal of all presently outstanding objections and rejections, and allowance of all remaining claims at an early date.

Respectfully submitted,



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